

IN THE DISTRICT COURT OF WASHITA COUNTY  
STATE OF OKLAHOMA

FILED  
DISTRICT COURT  
Washita County, Okla.

DEC 20 2021

LYNDA VERMILLION COURT CLERK  
BY: *Lynda Vermillion* DEPUTY

Diamshed Kamilov, Individually )  
                                       )  
Plaintiff,                         )  
                                       )  
vs.                                 No. Cj-202435  
                                       )  
John Schoneweis, Individually; and )  
L.T. Hart, Inc, a Virginia Corporation )  
                                       )  
Defendant.                         )

**PETITION**

**COMES NOW** the Plaintiff, Diamshed, Kamilov (Plaintiff), and for his cause of action against Defendants, alleges and states as follows:

**PARTIES**

**FIRST CAUSE OF ACTION: Negligence/Negligence Per Se**

**COMES NOW** the Plaintiff, Diamshed Kamilov (Plaintiff), and for his cause of action against Defendants, alleges and states as follows:

1. That on or about the 12th day of January, 2020, in the Westbound lane of Interstate 40 near mile marker 55 in Washita County, Oklahoma, Plaintiff, Diamshed Kamilov was operating his vehicle in a safe and prudent manner when a semi-truck/trailer being operated by defendant John Schoneweis (Said truck/trailer was owned by defendant L.T. Hart, Inc.) in a negligent and/or grossly reckless manner, while distracted or without devoting his full time and attention to his driving, and in excess of a safe speed and distance for the conditions, collided with the rear end of Plaintiff's van. Said collision resulted in Plaintiff suffering severe injuries.
2. Said collision was the direct result of the negligence, gross negligence, reckless



disregard, and/or intentional conduct of John Schoneweis, and as to Plaintiff, the collision was unavoidable and Plaintiff was negligent free.

3. That prior to said collision, Plaintiff was in good health with a normal life expectancy, but as a direct and proximate result of said Defendant's negligence, plaintiff has the following enumerated injuries for which he is entitled to recover:
  - A. Past, present, and future physical pain and mental anguish;
  - B. Permanent physical injuries;
  - C. Permanent disfigurement and scarring;
  - D. Loss of Enjoyment of Life;
  - E. Past, present, and future reasonable and necessary medical expenses in the care and treatment and reduction of his injuries.
  - F. Lost past, present, and future earnings and/or earning capacity.
9. That Defendant's distracted driving and/or failure to devote his full time and attention to his driving and/or his failure to maintain a safe speed and distance between his vehicle and Plaintiff's vehicle was in direct violation of State of Oklahoma Statutes/ Rules of the Road, including but not limited to, 47 O.S. Sections 11-901, 11-901-b, and 11-310. These statutes are intended for public safety. The collision at issue was caused by Defendant's violation of these statutes. The subject collision and Plaintiff's resulting injuries were the very type of events and injuries these statutes were designed to prevent and Plaintiff is part of the class of persons meant to be protected by the same. Accordingly, Defendant's violations of these statutes gives rise to a negligence per se claim.
10. That defendant's conduct was intentional, reckless, and/or in gross disregard of the rights and safety of Plaintiff, entitling him to recover Punitive damages.



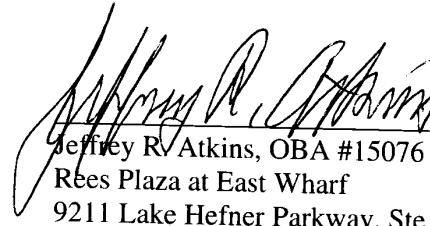
**SECOND CAUSE OF ACTION: Vicarious Liability**

COMES NOW the Plaintiff and for his second cause of action against the Defendant, L.T. Hart, Inc. (LTH), restates, adopts, and re-alleges all of the allegations of the first cause of action as if fully set forth herein, and further states as follows:

11. At all times relevant to the negligent acts alleged herein, Defendant LTH was an employer of John Schoneweis, as the term employer is defined in 49 CFR 390.5, and John Schoneweiss was an employee of LTH, as the term employee is defined in 49 CFR 390.5, and was acting within the course and scope of his employment with Defendant, LTH.

12. That Defendant LTH is vicariously liable for Defendant Schoneweis' negligent and/or reckless conduct and all damages resulting therefrom.

**WHEREFORE**, premises considered, Plaintiff prays for judgment jointly, severally, and/or concurrently against all Defendants herein, in an amount in excess of \$75,000.00, for compensatory and punitive damages, together with attorneys' fees, pre-judgment and post-judgment interest, costs of this action, and for such other relief as the Court may deem just and proper.



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ATTORNEY FOR THE PLAINTIFF

ATTORNEY'S LIEN CLAIMED.  
JURY TRIAL DEMANDED.

